



City of Portland, Oregon **Bureau of Development Services**

Land Use Services

FROM CONCEPT TO CONSTRUCTION

Carmen Rubio, Commissioner Rebecca Esau, Director Phone: (503) 823-7310 TTY: (503) 823-6868 www.portland.gov/bds

Date: May 19, 2023 To: Interested Person

From: Hillary Adam, Land Use Services

503-823-8953 / Hillary.Adam@portlandoregon.gov

NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision.

The reasons for the decision are included in the version located on the BDS website http://www.portlandonline.com/bds/index.cfm?c=46429. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 23-021832 HR - EXTERIOR ALTERATIONS

GENERAL INFORMATION

cascadeexteriorspdx@gmail.com | 360-281-7581 **Applicant:** Kevin Harris

Sky Hutchins

Cascade Exteriors LLC 7516 N Johnswood Dr Portland, OR 97203

Owner: Sally Sifdol-Denzler

Po Box 12263

Portland, OR 97212-0263

Interested Party: Dipendra Rana

> Lee Rana Attornevs 12275 SW 2nd St Beaverton, OR 97005

Site Address: 2822 NE 9TH AVE

Legal Description: BLOCK 102 LOT 18 EXC S 5/6', IRVINGTON

Tax Account No.: R420423030 State ID No.: 1N1E26BD 06200

Ouarter Section: 2731

Neighborhood: Irvington, contact Tony Greiner at tony_greiner@hotmail.com

Business District: Soul District Business Association, contact at Info@nnebaportland.org **District Coalition:** Northeast Coalition of Neighborhoods, contact at info@necoalition.org

Plan District: NONE

Other Designations: Contributing resource in the Irvington Historic District

Zoning: R5 – Residential 5,000 and Historic Resource overlay **Case Type:** HR – Historic Resource Review

Procedure: Type II, an administrative decision with appeal to the Landmarks

Commission.

Proposal:

The applicant seeks to correct unapproved exterior alterations that were installed by a previous contractor following a home fire at this contributing resource in the Irvington Historic District. Prior to the fire the home featured wood windows and cement fiber siding. The previous contractor installed vinyl siding and vinyl windows without the benefit of Historic Resource Review, which prompted the issuance of a Zoning Code violation notice. The current proposal seeks to correct the violation by replacing the existing siding with Hardie plank fiber cement siding with a 5" reveal and replace all vinyl windows with wood windows with dimensional grids. The proposed replacement materials seek to reconstruct the original appearance of the house as closely as possible. For instance, grouped windows, such as those on the front façade, will feature a 4" wide vertical mull between the windows and the window configuration will closely match the original configuration. A 3.5" casing is proposed to be typical around each window opening. No changes are proposed to window openings.

Historic Resource Review is required because the proposal is for nonexempt exterior alterations in a historic district.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are:

■ 33.846.060.G (1-10) Other historic approval criteria

ANALYSIS

Site and Vicinity: The subject property is a contributing resource in the Irvington Historic District, constructed in 1921 in the Colonial Revival style. The nomination notes that cement fiber siding was present on the house at the time of the nomination.

In 2018, the house experienced a fire. A permit was approved to repair the fire damage with materials to match the existing. A prior contractor replaced all existing historic wood windows and siding with new, which was not in accordance with the approved permit. Thus, a Code Compliance case (#18-269643 CC) was called in. The Code Compliance case initially only noted the removal of the two front windows and front door but was later expanded to include replacement of all exterior siding and removal of all windows. Due to a lack of sufficient information, the prior land use review (LU 19-183153) was denied. The property owner is now working with a different contractor to correct the entirety of the identified violations.

Irvington Historic District Platted in the late Nineteenth Century as the first addition to Portland that employed restrictive covenants, the Irvington area developed intensely with a mix of middle class housing types and sizes during the first two decades of the Twentieth Century. The contributing resources in Irvington range in design character from expressions of the late Victorian Era styles, especially Queen Anne, through the many Period Revival modes of the early decades of the Twentieth Century, to a few early modernist examples. There is also a wide diversity in the sizes of lots and houses. In terms of the streetscape, the numbered north-south avenues in Irvington vary dramatically in width, and they mostly form rather long block faces which the houses generally face. The named east-west street block faces are more consistent in length, almost all being traditional 200' Portland blocks. All are lined with mature street trees. These patterns help to lend the neighborhood the distinctive and homogeneous historic character.

Zoning:

The <u>Residential 5,000</u> (R5) single-dwelling zone is intended to preserve land for housing and to provide housing opportunities for individual households. The zones implement the

comprehensive plan policies and designations for single-dwelling housing and provide options for infill housing that is compatible with the scale of the single-dwelling neighborhood. Generally, minimum lot size is 3,000 square feet with minimum width and depth dimensions of 36 and 50 feet, respectively, and a maximum density of 1 lot per 5,000 square feet of site area. For attached houses, minimum lot size is 1,500 square feet with minimum width and depth dimensions of 15 and 50 feet, respectively, and a maximum density of 1 lot per 1,500 square feet of site area.

The <u>historic resource overlay zone</u> protects historic resources that have been identified as significant to the history of the city and region. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting education and enjoyment for those living in and visiting the region. The regulations foster awareness, memory, and pride among the region's current and future residents in their city and its diverse architecture, culture, and history. Historic preservation recognizes social and cultural history, retains significant architecture, promotes economic and environmental health, and stewards important resources for the use, education, and enjoyment of future generations.

Land Use History: City records indicate that prior land use reviews include the following:

• LU 19-183153 HR – Denial of Historic Resource Review for two vinyl windows which replaced original wood windows on the front façade following a fire in 2018. Other exterior alterations made following the 2018 fire were not included in this review as that application was made to address Code Compliance case #18-269643 CC, which initially documented only the two front windows and front door being replaced. While staff encouraged that previous applicant to address all of the exterior alterations made following the fire as part of this review, that previous applicant declined to do so.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **April 17, 2023**. The following Bureaus have responded with no issues or concerns:

- Life Safety Division of Bureau of Development Services
- Urban Forestry Division of Portland Parks & Recreation

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on April 17, 2023. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

• Tony Greiner, Chair of the Irvington Neighborhood Association Land Use Committee, wrote on May 8, 2023, in support of the proposal provided it addresses all issues noted in the 2018 Code Compliance case, including replacement of the front door. He also clarified that smooth, not rough, Hardie planks should be used and that only exterior muntins should be applied. He also noted that more clarity, elevation by elevation would be appreciated while also noting appreciation for the owner taking the initiative to correct the violation.

Staff response: Staff notes that the current owner is the same owner as the one cited in 2018. The violation came about due to a prior contractor not performing the work to repair the fire damage as was approved in permit 18-122262 RS and going beyond the scope of the approved permit. The owner is seeking to remedy the violation and has worked with staff to reach a reasonable solution that restores, to a reasonable degree, the character of the contributing resource. While staff has not received the amount of detailed information that is typically requested, staff understands that the applicant's resources and access to design drawings are limited and therefore staff has attempted to gain a complete understanding of the proposal with the information provided. Where necessary, staff has added conditions of approval to guarantee the proposal will be as compatible with the district and in keeping with the historic character of the resource as possible.

ZONING CODE APPROVAL CRITERIA

Chapter 33.846.060 - Historic Resource Review

Purpose of Historic Resource Review

Historic Resource Review ensures the conservation and enhancement of the special characteristics of historic resources.

Historic Resource Review Approval Criteria

Requests for Historic Resource Review will be approved if the review body finds the applicant has shown that all of the approval criteria have been met.

Findings: The site is within the Irvington Historic District and the proposal is for non-exempt treatment. Therefore, Historic Resource Review approval is required. The approval criteria are those listed in 33.846.060 G – Other Approval Criteria.

Staff has considered all guidelines and addressed only those applicable to this proposal.

33.846.060 G - Other Historic Approval Criteria

- **1. Historic character.** The historic character of the landmark or contributing resource will be retained and preserved. Removal of historic materials or alteration of features and spaces that contribute to the historic significance of the landmark or contributing resource will be avoided.
- **2. Record of its time.** The landmark or contributing resource will remain a physical record of its time, place, and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings will be avoided.
- **3. Historic changes.** Most resources change over time. Those changes that have acquired historic significance will be preserved.
- **4. Historic features.** Generally, deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature will match the historic feature in design, color, texture, and other visual qualities and, where practical, in materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence.
- **5. Historic materials.** Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used.

Findings for 1, 2, 3, 4, and 5: A house fire in 2018 precipitated interior restoration work that also included replacement of the resource's windows. The approved permit noted the proposed windows were to "match existing" and that the new work was to "match the existing residence in color and character". The executed work did not do this, violating the permit approval, hence the violation. A prior land use review attempted to gain approval for addressing part of the violation but was unsuccessful.

As a result of the prior contractor's work going beyond the scope of the approved permit, original historic materials have been lost, without staff evaluation as to their level of deterioration, and they cannot be returned. No chemical or physical treatments are proposed on existing materials that remain. And no changes have achieved historic significance.

The proposed alterations include replacement of the now existing (never approved) vinyl siding with smooth Hardie plank siding with a 5" exposure. The proposal also includes replacement of all now existing (never approved) vinyl windows with new wood windows with exterior and interior muntins with spacer bars on the upper sashes and smaller divided-light windows. The removal of incompatible vinyl windows and siding with new wood windows and new fiber cement lap siding at a 5" exposure will allow some of the original character to return to the contributing resource, albeit with contemporary materials.

Replacement of the now missing original features is informed by the provided photos showing the pre-fire condition. Staff notes, however, that in the original post-fire rehabilitation, some window openings were modified without the benefit of historic review. The current rehabilitation does not seek to restore the original openings but work within the existing openings. Because most of these changes occurred toward the rear of the house, these changes have a relatively minimal impact on the overall historic character of the resource. No conjectural features are proposed to be added and the resource. With regard to the front door, no clear images have been found that show the pre-2018 front door. While the Irvington Historic District does not identify doors as significant features except in a few specific instances, the existing front door is in keeping with the historic character and the district.

These criteria are met.

6. Archaeological resources. Significant archaeological resources affected by a proposal will be protected and preserved to the extent practical. When such resources are disturbed, mitigation measures will be undertaken.

Findings: No excavation is proposed. *This criterion is not applicable.*

- **7. Differentiate new from old.** New additions, exterior alterations, or related new construction will not destroy historic materials that characterize a landmark or contributing resource. New work may be differentiated from the old if the differentiation does not diminish the character, features, materials, form, or integrity of the landmark or contributing resource and, if in a Historic District, the district as a whole.
- **8. Architectural compatibility.** New additions, exterior alterations, or new construction will be compatible with the massing, size, scale, and architectural features of the landmark or contributing resource and, if in a district, the district as a whole. When retrofitting to improve accessibility for persons with disabilities or accommodate seismic improvements, design solutions will not compromise the architectural integrity of the landmark or contributing resource.
- **9. Preserve the form and integrity of historic resources.** New additions, exterior alterations, or new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the landmark or contributing resource and, if in a district, the district as a whole would be unimpaired.
- **10. Hierarchy of compatibility.** New additions, exterior alterations, or new construction will be designed to be compatible primarily with the landmark or contributing resource and, if located within a district, secondarily with contributing resources within 200 feet and, finally, with the rest of the district. Where practical, compatibility in districts will be pursued on all three levels.
 - **Findings for 7, 8, 9, and 10:** As is noted above the new materials will be differentiated from the original materials in that smooth Hardie plank siding with a 5" exposure will attempt to recreate the pre-fire character with the use of fiber cement siding, which was noted as the existing siding in the nomination for the historic district and is evident in photos of the pre-fire condition. It is unknown if the pre-fire fiber cement siding was the original siding though fiber cement was used as an exterior siding in the 1920s and this very well could have been the original material, as such staff has added a condition that the fiber siding may be applied with either a 5" reveal, as proposed, or a 6" reveal to better match the pre-fire condition.

With regard to the proposed windows, they will be differentiated from the original windows in that they will have simulated divided lights, rather than true divided lights, in the upper sashes and smaller single windows. Some of the sashes will have slightly different divisions than the original windows such as the attic windows originally had 8 lights and they are now proposed to have 4 lights. Additionally, there is no clear image of the front left window in the dining room. The applicant is proposing a double-hung

sash here at nearly 4' wide, as previously directed by staff. However, one image from a 2009 Google Streetview capture shows that this window may have been a picture window, in which case staff would also be accepting of a picture window in this opening; staff has added a condition that introduction of a picture window in the dining room front façade would be an acceptable alternative to the proposed double hung window.

Notably, the original front right window was a tripartite window with three double-hung wood windows in an A-B-A pattern. Because no drawings were provided, staff has added a condition that any paired or ganged windows, such as at the living room (right front facade) shall have solid 4" wide vertical mulls between the individual windows, as is indicated in the provided windows specifications, in order to match the original character of the resource. Likewise, no drawings were provided showing the trim but the window specifications provide indicate a 3.5" flat casing typical around all windows with a 2" sill nosing; staff has added a condition to ensure these details are installed.

Additionally, the applicant is proposing new wood windows to replace the now existing vinyl windows at the basement level. Because these windows are tertiary to the overall significance of the resource and the district and they are all located at the sides and rear of the house, staff has added a condition that fiberglass is an acceptable material for the new basement windows.

It is unfortunate that the original materials were removed without review by the prior contractor. The new proposal attempts to return some of the character of the resource, albeit with new materials. The proposed fiber cement siding is compatible with the prefire condition and may have been the original siding. The proposed wood windows will be compatible with the original resource and the district as a whole and will mark a vastly significant improvement over the now existing (never approved) vinyl windows which destroyed the historic character of the house. This is particularly true of the mulled tripartite living room windows at the right front façade. The overall form and massing of the house will remain, thus preserving this aspect of its integrity.

With the following conditions, these criteria are met:

- The fiber siding may be applied with either a 5" reveal, as proposed, or a 6" reveal to better match the pre-fire condition.
- Introduction of a picture window in the dining room front façade would be an acceptable alternative to the proposed double hung window.
- Any paired or ganged windows, such as at the living room (right front facade) shall have solid 4" wide vertical mulls between the individual windows, as is indicated in the provided windows specifications, in order to match the original character of the resource.
- All windows shall have a 3.5" flat casing trim and 2" sill nosing, as indicated in the provided window specifications.
- Fiberglass is an acceptable material for the new basement windows.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

The purpose of the Historic Resource Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. This proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of corrections to unapproved exterior alterations that were installed by a previous contractor following a home fire at this contributing resource in the Irvington Historic District, to include:

- Replacement of the existing vinyl siding with Hardie plank fiber cement siding with a 5" reveal.
- Replacement of all vinyl windows with wood windows with dimensional grids. The proposed replacement materials seek to reconstruct the original appearance of the house as closely as possible.
- No changes are proposed to window openings.

This approval is per the approved Exhibits C-1 through C-13, signed and dated May 15, 2023, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through H) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE Case File LU 23-021832 HR." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of building permit submittal, a signed Certificate of Compliance form (https://www.portlandoregon.gov/bds/article/623658) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. No field changes allowed.
- D. The fiber siding may be applied with either a 5" reveal, as proposed, or a 6" reveal to better match the pre-fire condition.
- E. Introduction of a picture window in the dining room front façade would be an acceptable alternative to the proposed double hung window.
- F. Any paired or ganged windows, such as at the living room (right front facade) shall have solid 4" wide vertical mulls between the individual windows, as is indicated in the provided windows specifications, in order to match the original character of the resource.
- G. All windows shall have a 3.5" flat casing trim and 2" sill nosing, as indicated in the provided window specifications.
- H. Fiberglass is an acceptable material for the new basement windows.

Staff Planner: Hillary Adam

Decision rendered by: ______ on May 15, 2023

By authority of the Director of the Bureau of Development Services

Decision mailed: May 19, 2023

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on March 29, 2023, and was determined to be complete on April 12, 2023.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on March 29, 2023.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: August 10, 2023.**

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appealing this decision. This decision may be appealed to the Landmarks Commission, and if appealed a hearing will be held. The appeal application form can be accessed at https://www.portlandoregon.gov/bds/45477. Appeals must be received by 4:30 PM on June 2, 2023). The completed appeal application form must be emailed to LandUseIntake@portlandoregon.gov and to the planner listed on the first page of this decision. If you do not have access to e-mail, please telephone the planner listed on the front page of this notice about submitting the appeal application. An appeal fee of \$250 will be charged. Once the completed appeal application form is received, Bureau of Development Services staff will contact you regarding paying the appeal fee. The appeal fee will be refunded if the appealant prevails. There is no fee for Office of Community and Civic Life recognized organizations for the appeal of Type II and IIx decisions on property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Please contact the planner listed on the front page of this decision for assistance in filing the appeal and information on fee waivers. Please see the appeal form for additional information.

If you are interested in viewing information in this file, please contact the planner listed on the front of this notice. The planner can email you documents from the file. A fee would be required for all requests for paper copies of file documents. Additional information about the

City of Portland, and city bureaus is available online at https://www.portland.gov. A digital copy of the Portland Zoning Code is available online at https://www.portlandoregon.gov/zoningcode.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Landmarks Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Landmarks Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision.

If this Land Use Review is approved the final decision will be recorded with the Multnomah County Recorder.

• *Unless appealed*, the final decision will be recorded after **June 2, 2023** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Narrative
 - 2. Site Plan
 - 3. Photos
 - 4. Photos
 - 5. Window and Siding Specifications
 - 6. Window Brochure
 - 7. Revised Window Specifications
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Window Specifications
 - 3. Window Specifications
 - 4. Window Specifications
 - 5. Window Specifications
 - 6. Window Specifications
 - 7. Window Specifications
 - 8. Window Specifications
 - 9. Window Specifications
 - 10. Window Specifications
 - 11. Siding Specifications
 - 12. Siding Specifications
 - 13. Siding Specifications
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Life Safety Division of BDS
 - 2. Urban Forestry Division of Portland Parks and Recreation
- F. Correspondence:
- 1. Tony Greiner, Chair of the Irvington Neighborhood Association Land Use Committee, wrote on May 8, 2023, in support of the proposal provided it addresses all issues noted in the 2018 Code Compliance case.
- G. Other:
 - 1. Original LU Application
 - 2. Email Correspondence between staff and the applicants
 - 3. 2009 Google Streetview Image
 - 4. 2009 Photos
 - 5. 2018 Permit 18-122262 RS

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).